

### **REMARKS**

Claims 16-35 are pending in the present application. Upon entry of this Preliminary Amendment, claims 1-15 have been canceled and new claims 16-35 are added. Claims 16, 23 and 29 are independent claims.

In view of the cancellation of previous pending claims, the Examiner's previous prior art rejections are moot and must be withdrawn.

#### **New Claims**

The new claims emphasize the distinguishing features of Applicant's embodied invention over the prior art of record. For example, each of independent claims 16, 23 and 29 recites the feature of receiving a plurality of icons from a plurality of broadcast stations, where each of the icons represents and identifies a particular broadcast station. As a result, an icon of a broadcast station associated with a user's selection of a particular channel can be displayed during a time gap in digital television channel switching. The above-identified feature is neither taught nor suggested by the prior art references, either taken singularly or in combination. In this regard, Applicant wishes to point out the following insofar as the previous prior art rejections may pertain to the present claims.

First, in the last final Office Action dated November 26, 2003, the Examiner states that Grossman's "advertisement information" can be equated

to the channel identification information because the channel icons advertise the next channels. However, this is inconsistent with the general use and understanding of an advertisement associated with television programs. One skilled in the art would not consider a channel number displayed on a television screen as an advertisement. Thus, the Examiner's interpretation of Grossman to reject the previous claims is not proper.

Second, the new independent claims clearly require a display of an icon that represents and identifies a particular broadcast station corresponding to the selected channel during the channel switching time gap. A display of a broadcast station icon is patentably distinct from a display of a channel number icon. Depending on the geographical location of a viewer, different channel numbers are assigned to different broadcast stations such that by viewing merely a channel number icon, a viewer cannot identify a broadcast station providing the broadcast programs on that channel.

### **CONCLUSION**

In view of the above comments, all of the pending claims are allowable over the prior art of record, and an early issuance of a Notice of Allowance is respectfully requested.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact

Esther H. Chong (Registration No. 40,953) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,  
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Esther H. Chong #40,953  
for James T. Eller, Jr., #39,538

JTE/EHC:lmh

P. O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000